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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,936	03/16/2006	Claude Poletti	0579-1093	5993

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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
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2431

NOTIFICATION DATE	DELIVERY MODE
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03/14/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No.	Applicant(s)	
	10/538,936	POLETTI, CLAUDE	
	Examiner	Art Unit	
	KAVEH ABRISHAMKAR	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/24/2010, 2/10/2010, 10/15/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 24, 2010 has been entered.

1. Claims 1-22 are currently pending consideration.

Response to Arguments

Applicant's arguments filed February 24, 2011 have been fully considered but they are not persuasive for the following reasons:

The Applicant argues that the Cited Prior Art (CPA), Rhoads in view of Snapp, does not teach a device in a compact, portable and secure casing. This argument is not found persuasive. In one embodiment, Rhoads teaches that there can be an imaging instrument with an optical shutter that imparts a watermark (Rhoads: paragraph 0102). This device can be portable, such as a digital camera (Rhoads: paragraph 0102) and/or via a variety of hardware/software systems which can also be portable as in the case of a computer/laptop (Rhoads: paragraph 0101). Rhoads is silent on whether this imaging device is tamper resistant. Snapp discloses that in a preferred embodiment the device would be tamper resistant and portable (Snapp: paragraph 0062). The

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Applicant argues that this combination would not be obvious due to the fact that files would be destroyed if the tamper resistant modules was used with the imaging apparatus of Rhoads. This argument is not found persuasive. Many tamper resistant modules will result in the loss of some data, however, this is not the determining factor. In Rhoads, a watermarking apparatus is used to verify the origin, and geographic location of an image (Rhoads: paragraph 0102). It is watermarked because the system wants to ensure the authenticity of the image. Making the device tamper resistant would serve the purpose of protecting the device from unauthorized users attempting to interfere with the authenticating of the images. Therefore, the Examiner asserts that Rhoads is properly combinable with Snapp.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads et al. (U.S. Patent Pub. No. US 2002/0122564 A1) in view of Snapp et al. (U.S. Patent Pub. No. US 2003/0069693 A1).

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Regarding claim 1, Rhoads discloses:

Inspection apparatus comprising, in a secure casing:
a central processing unit (paragraph 0101: *a computer*);
at least one digital audiovisual device configured to make an audiovisual recording (paragraph 0102: *digital camera*);
a clock configured to provide temporal information (paragraph 0047: *can identity the date/time of data acquisition*);
a watermark configured to embed the temporal information provided by said clock in the data stream coming from said audiovisual device such that a moment at which the audiovisual recording is made by said digital audiovisual device is authenticated (paragraphs 0070-0071: *wherein the geovector information, including the time, is embedded in the photograph with a watermark*).

Rhoads does not explicitly teach a compact and secure casing, positionable at a required height and inclination. Snapp discloses a tamper resistant casing which causes the interface to fail if opened (Snapp: paragraph 0062). It would have been obvious to one of ordinary skill in the art to use this tamper resistant casing to make the inspection apparatus tamper resistant (paragraph 0062).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, wherein said audiovisual device is a camera (paragraph 0102: *a camera*).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, wherein said audiovisual device (2) is a video camera (paragraph 0102: *a camera used in digital movies*).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, wherein said audiovisual device (2) is a sound recorder (paragraph 0102: *a camera used in digital movies which record sound*).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, further comprising:
a device for measuring the geographic position of the apparatus as geographic information (paragraph 0068: *using GPS to determine the location of the apparatus*), wherein said watermark is configured to embed the geographic information provided by said geographic position measuring device in the data stream coming from the audiovisual device (paragraph 0070-0071: *wherein the location information is embedded in the information (photograph, movie)*).

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Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 5, wherein said geographic position measuring device is a receiver forming part of the GPS system paragraph 0068: *using GPS to determine the location of the apparatus*).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, further comprising a distance measuring device (paragraph 0068: *using GPS to determine the location of the apparatus*).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, further comprising a thermal probe (paragraph 0099: *thermal maps*).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, further comprising an inclinometer (paragraph 0068: *wherein the GPS can measure the altitude/height*).

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Claim 10 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, further comprising an electronic compass (paragraph 0068: *comprises compass functionality*).

Claim 11 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

Apparatus according to claim 1, characterized in that it further comprises at least one connector enabling an external source of secure data to be attached (paragraph 0070-0071: *wherein the location information is embedded in the information (photograph, movie)*).

Claim 12 is rejected as applied above in rejecting claim 1. Furthermore, Rhoads discloses:

The apparatus according to claim 1, further comprising:
an electric accumulator (paragraphs 0067-0069: *provides electrical signals*).

Regarding claim 13, Rhoads discloses:

A method of preparing an inspection report comprising:
producing a data stream with at least one digital audiovisual device (paragraph 0102: *digital camera*);

embedding a temporal information provided by a clock comprised in the secure casing in said data stream (paragraphs 0070-0071: *wherein the geovector information, including the time, is embedded in the photograph with a watermark*); and

extracting the data stream out of the casing using a secure method so that the moment at which an audiovisual recording was made is authenticated (paragraphs 0070-0071: *wherein the geovector information, including the time, is embedded in the photograph with a watermark*).

Rhoads does not explicitly teach a compact and secure casing, positionable at a required height and inclination. Snapp discloses a tamper resistant casing which causes the interface to fail if opened (Snapp: paragraph 0062). It would have been obvious to one of ordinary skill in the art to use this tamper resistant casing to make the inspection apparatus tamper resistant (paragraph 0062).

Regarding claim 14, Rhoads discloses:

A method of enabling a certified inspection to be made at a desired location of a territory, said method comprising:

distributing inspection apparatuses over the territory, said inspection apparatuses comprising an audiovisual device and means for authenticating the moment when an audiovisual recording was made (paragraphs 0070-0071: *wherein the geovector information, including the time, is embedded in the photograph with a watermark*);

providing a first person with such an inspection apparatus, said first person triggering the audiovisual device at the desired location (paragraph 0102: *digital camera*); and

transmitting the data recorded by the apparatus to a second person commissioning for the inspection (paragraph 0072: photograph with the watermark may be accessed).

Rhoads does not explicitly state that the record is transmitted via a secure channel. However, it is well-known in the art to transmit articles via a secure channel to avoid interception or corruption of the file. Therefore, it would have been obvious to transmit the file via a secure channel to avoid corruption or interception of the file.

Claim 15 is rejected as applied above in rejecting claim 14. Furthermore, Rhoads discloses:

The method according to claim 14, wherein the inspection apparatuses further comprise means for authenticating the location where an audiovisual recording was made (paragraphs 0070-0071: *wherein the geovector information, including the time, is embedded in the photograph with a watermark*).

Claim 16 is rejected as applied above in rejecting claim 1. Rhoads does not explicitly teach a compact and secure casing, positionable at a required height and inclination. Snapp discloses a tamper resistant casing which causes the interface to fail if opened (Snapp: paragraph 0062). It would have been obvious to one of ordinary skill in the art

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to use this tamper resistant casing to make the inspection apparatus tamper resistant (paragraph 0062).

Claim 17 is rejected as applied above in rejecting claim 1. Rhoads does not explicitly teach wherein the casing is rigid and robust. Snapp discloses a tamper resistant casing which causes the interface to fail if opened (Snapp: paragraph 0062). It would have been obvious to one of ordinary skill in the art to use this tamper resistant casing to make the inspection apparatus tamper resistant (paragraph 0062).

Claim 18 is rejected as applied above in rejecting claim 1. Rhoads does not explicitly teach that the casing is tamper proof. Snapp discloses a tamper resistant casing which causes the interface to fail if opened (Snapp: paragraph 0062). It would have been obvious to one of ordinary skill in the art to use this tamper resistant casing to make the inspection apparatus tamper resistant (paragraph 0062).

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads et al. (U.S. Patent Pub. No. US 2002/0122564 A1) in view of Snapp et al. (U.S. Patent Pub. No. US 2003/0069693 A1) in further in view of Jones (U.S. Patent Pub. No. US 2003/0016825).

Claim 19 is rejected as applied above in rejecting claim 1. Rhoads and Snapp are silent on the random access memory configured to receive and store the data,

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which is connected to a logic unit, which enables the extraction of the data via the connector with a secure method. However, in an analogous art, Jones discloses using physical and logical protection techniques digital data that represents a movie from a distribution site to each theater, and this data is protected using encryption methods and security protocols (Jones: paragraph 0023). In Jones, the frames representing a movie are stored, and then extracted from the storage when they are transmitted to a remote theater, which can store the encrypted and compressed movie for playback at another time (Jones: paragraph 0023). It would have been obvious to use the secure transfer method of Jones in the system of Rhoads-Snapp to prevent unauthorized copying and unauthorized use (Jones: paragraph 0002).

Claim 20 is rejected as applied above in rejecting claim 13. Rhoads and Snapp are silent on securely transmitting the data to an authorized person responsible for commissioning the inspection. However, in an analogous art, Jones discloses using physical and logical protection techniques digital data that represents a movie from a distribution site to each theater, and this data is protected using encryption methods and security protocols (Jones: paragraph 0023). In Jones, the frames representing a movie are stored, and then extracted from the storage when they are transmitted to a remote theater, which can store the encrypted and compressed movie for playback at another time (Jones: paragraph 0023). It would have been obvious to use the secure transfer method of Jones in the system of Rhoads-Snapp to prevent unauthorized copying and unauthorized use (Jones: paragraph 0002).

Claim 21 is rejected as applied above in rejecting claim 19. Furthermore, Jones discloses:

The apparatus according to claim 19, wherein the data extracted from the random access memory is configured for transmission to a location remote from the apparatus (Jones: paragraph 0023).

Claim 22 is rejected as applied above in rejecting claim 20. Furthermore, Jones discloses:

The method according to claim 20, wherein the data is securely transmitted to an authorized person at a location remote from the secure casing (Jones: paragraph 0023).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaveh Abrishamkar/
Primary Examiner, Art Unit 2431

/K. A./
03/08/2011
Primary Examiner, Art Unit 2431